



DATE:

July 9, 2015

APPROVED
BY:

Russell D. Schaedlich, Secretary

MINUTES OF THE LAKE COUNTY PLANNING COMMISSION

June 23, 2015

The Lake County Planning Commission hereby finds and determines that all formal actions were taken in an open meeting of this Planning Commission and that all the deliberations of the Planning Commission and its committees, if any, which resulted in formal actions, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Chair Zondag called the meeting to order at 5:32 p.m.

ROLL CALL

The following members were present: Messrs. Adams, Brotzman, Flenner (alt. for Siegel), Morse, Schaedlich, Zondag and Mmes. Hausch and Pesec. Legal Counsel present was Assistant Prosecutor Gianine Germano. Planning and Community Development Staff present were Mr. Radachy and Ms. Myers.

MINUTES

Mr. Brotzman moved and Ms. Hausch seconded the motion to approve the May 26, 2015 minutes.

Six voted "Aye".
Two abstained.

Mr. Brotzman arrived at 5:33 p.m.

FINANCIAL REPORT

Mr. Morse moved and Mr. Adams seconded the motion to accept the May 2015 Financial Report.

All voted "Aye".

PUBLIC COMMENT

Mr. Zondag introduced Jill Bartolotta, who replaced Frank Liptkoppler at the OSU Extension office a few weeks ago as the new Sea Grant Extension Educator. She will be working with communities to address issues about Lake Erie such as dealing with fisheries to trying to change issues with storm water, or to whatever needs to be addressed.

LEGAL REPORT

There were no legal issues to report.

DIRECTOR'S REPORT

Mr. Radachy reported on the following items:

- The Chief Building Official, Jerry Flanek suddenly retired at the end of May. And with him, Gloria House also resigned. Since Gloria left, Ann's been detached on a weekly basis for three days at the Building Department and two days in our office along with Donna Tyson from the Commissioner's Office and Karen White of Utilities/Transportation. Mr. Richard Smith is temporarily working as the Chief Building Official. He was working part time at the Department and was formally the Willoughby City Building Inspector.

Mr. Zondag asked how this situation affected our office and Mr. Radachy replied that it did not have much effect on our office. The Building Department is a recommending agency when a subdivision is filed. Once we are done, they begin their processes.

- The APA Northeast Ohio Planning and Zoning Workshop was held in Youngstown on June 5, 2015. Eighty people attended and mostly positive comments have been from those who participated.
- Monica Jordan has been volunteering at Cleveland State as part of their mentoring program. She was mentored by someone and now she is giving back by helping with administrative positions. Cleveland State approached her about placing an intern in our office free of charge for the Fall semester. We are looking into the possibility of having mentoring in the office. Mr. Zondag offered office space for the intern if there was none available at the Planning and Community Development office.

Mr. Morse acknowledged the fantastic job David Radachy has been doing with the Northeast Ohio Planning and Zoning Workshop and all applauded.

ANNOUNCEMENTS

There were no announcements.

SUBDIVISION REVIEW

There were no subdivisions submitted for review.

Subdivision Activity Report

Mr. Radachy gave the following monthly subdivision activity update:

- *Orchard Springs, Phase 2* – Improvement Plans and Plans and Specs are on the Commissioner's agenda for tomorrow. There is a pre-construction meeting on June 26.

ODNR or the U.S. Corps of Engineers were going back and forth on moving a road, but it did not happen. They wound up shortening the culvert instead. The Subdivision is off of Colburn Road and is going to connect to Orchard Road.

- *Stoneridge Estates* – They expect to be going into maintenance soon. Their sanitary sewer and storm sewer are ready. Water is ready. They are not in maintenance but they are in the process of trying to get their Plat finalized and submitted.
- *Stoneridge Estates, Phase 1B* will be two lot split plats based on two lots that were in place in Phase 1A. This was done because there were sanitary sewer issues. Now that the sanitary sewers have been put in place, the Utilities Department allowed the developer to extend the sewer. As soon as the road and sanitary sewers are accepted, the Final Plat can be accepted. According to the Surveyor, the Plat should be submitted next month.
- *Concord Ridge, Phase 4* – Improvement Plans and Plans and Specs were approved and construction has begun. This is the connection between Stanford Springs and Concord Ridge, Phase 2. There was a lot of pressure to get the road going because that is actually where the traffic is supposed to go and because of the Dream House that opened on last Saturday. The road should be finished in the next two or three weeks. Mr. Radachy did not know if the road would be paved or not.
- *Kallay Farms* – This is a FPUD in Painesville Township across the street from Hellreigels. They had a pre-application meeting last week and are planning to submit their Preliminary Plans next month. The Trustees cut the number of units to 76 from either 88 or 85 and approved these with six-foot sideline clearances. The smaller lots were 64 feet by 130 feet and the others were about one-quarter of an acre. Most of the people who came in for the meeting were supportive of the single-family housing.

Mr. Brotzman asked if there would be single-family interconnectivity between the two cul-de-sacs and Mr. Radachy said “no.” There will be at least one variance on cul-de-sac length, which is over 1,700 feet long.

Mr. Schaedlich asked why they did not want to connect the cul-de-sacs. Mr. Radachy replied that the Service Department did not want to interconnect them because of the way the developer was designing the interconnections. The road was originally designed so the knuckles on the cul-de-sacs would be retained. When this Commission suggested that they connect them, they were thinking of the standard interconnection, which would not retain the knuckles (bulbs) of the cul-de-sacs, in which case the Service Department would not have had any problems with clearing the road. These knuckles (bulbs) made it difficult for clearing the snow. Given a choice, the Service Department would rather have the cul-de-sacs. The developer also supposedly approached the Condominium Association about buying an easement through their property as an emergency access, and they were all set to do so, but for some reason, the Trustees decided against doing it.

Mr. Zondag asked if the two existing houses would be coming down and Mr. Radachy answered in the affirmative.

Mr. Schaedlich asked if they still had to adhere to the ten-foot setback from eve-to-eve and Mr. Radachy said the Trustees approved it with the six-foot sideline clearances.

LAND USE AND ZONING REVIEW

Madison Township – Text Changes & Amendments; Rezoning of 10+ Parcels from M-1 to B-3 Adopted by the Madison Township Trustees on August 13, 2013 to be Invalid.

Mr. Radachy said that the Madison Township Zoning Commission received a Resolution from the Township Trustees declaring various text changes and amendments to the Madison Township Zoning Resolution and the rezoning of over ten parcels of land from M-1 to B-3 adopted by the Board of Madison Township Trustees on August 13, 2013 to be invalid. The Madison Township Zoning Commission resubmitted the exact package that was submitted to us in February and March of 2013 for re-approval to start the process over again. Originally the same day, these changes had been discussed at a Zoning Public Hearing but at the regular monthly Trustee's meeting later that evening a motion was made stating "to approve the changes that were discussed" and did not reflect the pertinent sections of the Madison Township Zoning Resolution or the Zoning Map that were being amended. This was an administrative error made by the Township. Our portion had been done correctly at that time.

Mr. Radachy discussed the following from the letters of consideration the Planning Commission submitted to the Zoning Inspector and copied to the Trustees:

February 28, 2013

- Zoning District Amendments of 205.37 Acres M-1 to AR, 85.23 M-1 to B-3, 34.85 B-2 to B-3, 11.83 B2-AR:
The Lake County Planning Commission recommended approval of the district changes on the north side of North Ridge Road. They recommended that district changes on the south side of North Ridge Road follow the parcel boundaries/ current zoning configuration and not follow the Comprehensive Plan border that was submitted to the Board.
- Text Amendments to Section 114.05.06, Donation Boxes and Section 140, Zoning Commission:
 1. Recommended that the definitions in Section 114.05.06 should be moved to Section 101, Definitions.
 2. Recommended that language regarding maintenance of the bins should be based on health and safety. Health and safety should be included in the regulations.
 3. Recommended that Madison Township study the possibility of adding regulations for newspaper recycling bins.
 4. Use the term "lot" instead of zoning lot in Section 114.05.06.
 5. Contact information should include a telephone number for the 501 C 3.

6. Check Section 114.05.06 for grammar and spelling errors.
7. Recommended approval to Section 140 without any changes.

March 28, 2013

- Text Amendments to Section 142, Board of Zoning Appeals and Section 145, Penalties:
 1. Rewrite Section 142.1.1 to read: ...of five (5) members and ***two (2) alternates*** who shall be residents of... the term of one (1) member will expire each year. ***The term of the alternates shall be one (1) year.*** Each member shall serve...
 2. Add a new Section 142.3.6, Powers and Duties of Alternates. ***a. In the absence of a member, an alternate shall have the same powers and duties listed in Section 142.3.***
 3. Add a new section 142.3.6, Powers and Duties of Alternates. ***b. If an alternate states a case, he shall be required to finish the case. If the case is continued to the next meeting, the alternate is required to continue the case and not be replaced by the regular member.***
 4. Change the language: ...***shall upon conviction therefore be fined for such misdemeanor of the third degree...*** to ...***shall upon conviction therefore be punished for such misdemeanor of the third degree...*** This would give the court the option to use all misdemeanor penalties listed in the ORC.

Mr. Schaedlich stated that the word "states" in the March 28, 2013 text amendment letter paragraph 2b should read "starts".

No other changes were made to the original recommendations suggested.

Ms. Pesec asked if the Township did things differently than was recommended in 2013. Mr. Radachy said they followed a lot of the Commission's suggestions. They did move the definitions to 101 and 108. They initially wanted to resubmit the final version of all the changes the Trustees have made, but that would require a full review and basically, we would have had to start over again. Mr. Radachy requested that they send the changes exactly as submitted in the past.

Mr. Radachy was asked how they found the error at the Township and was told Trustee Gauntner discovered it when he was reviewing previous minutes.

Ms. Pesec moved to recommend the same recommendations sent to the Madison Township Zoning Inspector on February 28, 2013 and March 28, 2013 stated above with the spelling correction made by Mr. Schaedlich. Mr. Brotzman seconded the motion.

All voted "Aye".

REPORTS OF SPECIAL COMMITTEES

Coastal Plan Committee

Mr. Radachy said the Coastal Plan Committee is not set to meet until August. They did not meet in May.

The Subdivision Regulations Review Committee is not technically a Committee yet. We would like to write the Regulations before a Committee is put together. Mr. Schaedlich said he believed it had been decided not to set up a Committee because there was only a bare quorum at that meeting.

CORRESPONDENCE

2015 Concord Township Comprehensive Plan Update

We received a letter from Concord Township dated May 27, 2015 stating "the Township Trustees adopted the 2015 Comprehensive Plan Update at their May 6, 2015 meeting as recommended by the Steering Committee and the Zoning Commission, and is now the official plan for the development of the Township. The 2004 Comprehensive Plan and the 2006 Auburn-Crile Road Business Corridor Study continue to serve as supporting and supplemental resources in support of the 2015 Plan Update".

They continued stating "As you know, there are several suggested implementation strategies provided in the plan that have to do with zoning text and map changes, some of which have been in process already such as the new Capital District text and proposed Capital District Map. We hope that the 2015 Plan Update is used as your reference when understanding how the strategies help support the ultimate goals for the township's development."

Mr. Radachy said the 2015 Plan Update will be used to make zoning recommendations in the future.

Subdivision Regulations Reviewers Meeting

Mr. Schaedlich referred to the Minutes of May 28, 2015 stating that there was something about a subdivision regulations review meeting on May 11 mentioned in it. Mr. Radachy clarified that this was a subdivision reviewers meeting, a departmental review meeting. At this meeting, they had talked together with the County Engineer, Sanitary Engineer and others. They brought up some issues to consider when reviewing the Subdivision Regulations. This meeting was the impetus for the Planning Commission to start reviewing the Subdivision Regulations with the reviewers' recommendations. These items concerned those who actually handled the Maintenance Bonds, the Construction Surety and other minor things.

Mr. Radachy stated the May 26, 2015 minutes can be changed to clarify that this was a Subdivision Regulations departmental reviewers meeting and not a meeting of a committee appointed by the Planning Commission. The members wanted this change to be made.

OLD BUSINESS

Mr. Radachy said there was no old business.

NEW BUSINESS

There was no new business.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

Ms. Pesec moved and Mr. Brotzman seconded the motion to adjourn the meeting.

All voted "Aye".

The meeting adjourned at 6:06 p.m.